

Message

From: Leopold, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 1/13/2018 12:18:33 AM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Re: Cert Granted: Tribal Treaty Rights Case

Thanks. If I can get materials/briefing Tuesday as I'll raise with the Administrator Wednesday. Need to understand the interaction with Maine issues. Thanks

Sent from my iPhone

On Jan 12, 2018, at 6:27 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Matt- I just saw LAWRENCE's note in wanted to see if there were materials or anything that you would like us to get you over the weekend?

Ex. 5 / DPP / ACP

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Ford in WLO, Region 1 ORC, and Region 10 ORC to pull something together if you'd like. If you will want to mention it at the 8:30 Tuesday we can set up a call Monday. Let me know.

Kevin.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Maher, Lauren" <Maher.Lauren@epa.gov>
Date: January 12, 2018 at 5:52:06 PM EST
To: OGC Immediate Office MGMT <OGC.Immediate.Office.MGMT@epa.gov>, OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: "Siciliano, CarolAnn" <Siciliano.CarolAnn@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Marshall, Tom" <marshall.tom@epa.gov>
Subject: Cert Granted: Tribal Treaty Rights Case

Hi all,

This afternoon the Supreme Court granted the State of Washington's petition for certiorari in *Washington v. U.S.*, Sup. Ct. Docket 17-269; *U.S. v. Washington*, 827 F.3d 836 (9th Cir. 2016). One of the key issues pending before the Court is the scope of tribal treaty-protected fishing rights in Washington. In the underlying litigation, Indian tribes and the U.S. argued, and the Ninth Circuit agreed, that State-constructed road culverts that block fish passage and lead to diminished fish populations violate treaty fishing rights. In its cert. petition, Washington argued that the Ninth Circuit's reading of the treaties was overbroad, while the U.S. responded that the Ninth Circuit properly construed prior Supreme Court decisions on the treaties. EPA is not a party to this case,

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Ex. 5 / DPP / ACP

Washington's brief is due on February 26, and the U.S. brief is due March 28. DOJ ENRD

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